

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
VS.	§	MAGISTRATE ACTION NO. C-06-604
	§	
JUAN JOSE TORRES, JR.,	§	
	§	
Defendant.	§	

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f).

The following requires detention of the defendant pending trial in this case:

- (1) There is probable cause to believe the defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841(b)(1)(A); and
- (2) The defendant has not rebutted the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

The evidence against the defendant is significant. The findings and conclusions contained in the Pretrial Services Report are adopted, supplemented by the testimony at the detention hearing. The defendant is a United States citizen with no criminal history and supportive family members, but he has not produced a co-surety or co-sureties sufficient to address the risk of flight. Because of the amount of drugs involved, a co-surety owning non-exempt assets and a significant cash deposit are required to address the risk of flight. The issue of bond will be revisited if and when defendant produces a co-surety.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a

reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 23rd day of August, 2006.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE